

Notice of Allowability

Application No.

10/763,041

Examiner

Lars A Olson

Applicant(s)

HAWKES, GRAHAM

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on April 7, 2005.
2. ☒ The allowed claim(s) is/are 1-89.
3. ☒ The drawings filed on 22 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 2 of Claim 4, the word "with" has been deleted and replaced with the word "within".
3. On line 4 of Claim 15, the word "being" has been deleted and replaced with the word "are".
4. On line 2 of Claim 17, the phrase "on the" has been deleted before the phrase "by the wings".
5. On line 1 of Claim 26, the phrase "A submersible comprising"" has been deleted and replaced with the phrase "A submersible comprising:".
6. On line 2 of Claim 29, the phrase "on the" has been deleted before the phrase "by the wings".
7. On line 4 of Claim 39, the word "being" has been deleted and replaced with the word "are".
8. On line 2 of Claim 42, the phrase "on the" has been deleted before the phrase "by the wings".
9. On line 1 of Claim 49, the phrase "at least one pressure" has been deleted and replaced with the phrase "at least one pressure pod".

Art Unit: 3617

10. On line 4 of Claim 53, the word "being" has been deleted and replaced with the word "are".

11. On line 2 of Claim 56, the phrase "on the" has been deleted before the phrase "by the wings".

12. On line 1 of Claim 63, the word "lest" has been deleted and replaced with the word "least".

13. On line 4 of Claim 67, the word "being" has been deleted and replaced with the word "are".

14. On line 2 of Claim 78, the word "A" has been changed to a lower-case "a".

15. On line 5 of Claim 78, the word "diposed" has been deleted and replaced with the word "disposed".

16. On line 4 of Claim 79, the word "being" has been deleted and replaced with the word "are".

17. An amendment was received from the applicant on April 7, 2005.

Reasons for Allowance

18. Claims 1-89 are allowed.

19. The following is an examiner's statement of reasons for allowance. The submersible as claimed is not shown or suggested in the prior art because of the use of a submersible that is comprised of a hull having at least one pressure pod for accommodating at least one person in a recumbent sitting position, and at least one pair

Art Unit: 3617

of fixed wings that are disposed on said hull, where said fixed wings have ailerons that are movable in opposite directions with respect to each other in order to provide said submersible with the ability to roll.

20. The prior art as disclosed by Rowe (US 5,237,952) shows the use of a submersible that is comprised of a hull, at least one pressure pod for accommodating at least one person in a recumbent sitting position, at least one pair of rotatable wings that are disposed on said hull, at least one elevator that is disposed on said hull, a thruster, and a steering means, where said wings are movable in opposite directions with respect to each other in order to provide said submersible with the ability to roll. Schubert (US 3,598,074) discloses a submersible that is comprised of a hull that contains four separate pressure pods that each accommodate at least one person and have an acrylic dome access hatch and a life support system. Kohnen (US 5,704,309) discloses a submersible that is comprised of a hull with a pressure pod that is accommodating at least three persons. However, none of the prior art cited shows or suggests the use of a submersible that is comprised of a hull having at least one pressure pod for accommodating at least one person in a recumbent sitting position, and at least one pair of fixed wings that are disposed on said hull, where said fixed wings have ailerons that are movable in opposite directions with respect to each other in order to provide said submersible with the ability to roll.

Conclusion

21. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
22. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

May 2, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
5/2/05